THE PROCEEDINGS

OF THE

Sessions of *Oyer* and *Terminer*, and General Goal Delivery,

HELD AT

Kingston-upon-Thames, for the County of SURRET;

ON

Thursday, *Friday*, and *Saturday* the 27th, 28th, and 29th of *March*; in the Thirteenth Year of his present Majesty's Reign, and in the Year of our Lord 1740.

BEFORE THE

Right Honourable Sir *JOHN WILLES*, Knt.
Lord Chief Justice of his Majesty's Court of *Common Pleas*,

THE

Right Hon Sir *JOHN FORLESCUE ALAND*, Knt.
One of the Justices of his Majesty's said Court of *Common Pleas*,

AND THE

Rest of his Majesty's Justices assign'd to deliver the said Goal of the Prisoners therein being.

CONTAINING,

The TRIALS (at large) of all the Prisoners, especially those who received Sentence of Death, *viz.*

1. *Thomas Miller*, for the Murder of *Edmund Drewitt*, on the King's Highway by firing at him without any Provocation and giving him three Wounds which proved Mortal; and of which he instantly died.

2. *Patrick Murphy*, for stealing out of the warehouse of Mr. *Alexander Hay*, a Deal Box, full of fine Thread, of a great value.

3. *Thomas Middleton*, for Robbing Mr. *Robert Smith* on the Highway of five pounds and upwards; and Mr. *John Heathfield* of nine Pounds and upwards.

4. And *John Jenkings* alias *Forrest* for breaking open the house of Mr. *Thomas Merrit*, and Stealing from thence four Pieces of long Ells.

Likewise the remarkable Trials of *Patrick Kelly* for endeavouring to enlist Men into the Service of the *French* King, and *William Prate* for Manslaughter in killing *Nicholas Rawlins* by striking him on the Loins with a Broomstick, and above Thirty other particular Trials.

LONDON:

Printed and Sold by W. RAYNER, near St. *George*'s-Church, *Southwark*.

M.DCCXL.

(*Price Three-Pence.*)

PROCEEDINGS

OF THE

Sessions of Oyer and Terminer, and General Goal Delivery,

HELD AT

Kingston-upon-Thames, for the County of SURREY,

ON

Thursday, Friday and Saturday the 20th, 21st and 22d of March, in the Thirteenth Year of the Reign of King GEORGE the Third, and in the Year of our Lord 1773.

BEFORE THE

Right Honourable Sir JOHN WILLES, Knt. Lord Chief Justice of His Majesty's Court of Common Pleas,

AND THE

Right Hon Sir JOHN HORSLEY BENNET, Knt One of the Justices of his Majesty's said Court of Common Pleas.

AND THE

Rest of his Majesty's Justices assigned to deliver the said Goal of the Prisoners therein being.

CONTAINING,

The TRIALS (at large) of all the Prisoners, especially those who received Sentence of Death, viz.

1. Thomas Mabey, for the Murder of Edward Drewett, on the King's Highway by striking at him with a Stone, and giving him three Wounds which proved Mortal; and of which he instantly died.

2. Patrick Murphy, for Stealing out of the warehouse of Mr. Alexander Hay, a Deal Box, full of fine Thread, of great value.

3. Thomas Middleton, for Robbing Mr. Robert Swift on the Highway of five pounds and upwards; and Mr. John Jeffery of nine Pounds and upwards, breaking open the House of Mr. Thomas Merrin, and Stealing from thence four Pieces of long Ells.

Likewise the remarkable Trials of Patrick Kelly for endeavouring to enlist Men into the Service of the French King, and William Piper for Manslaughter in killing Archelus Rawlins by striking him on the Temples with a Broomstick, and above Thirty other particular Trials.

Printed and Sold by W. RAYNER, near St. George's-Church, Southwark.

M.DCC.LXXIII. [illegible]

THE PROCEEDINGS OF THE

Sessions of Oyer and Terminer, and General Goal Delivery, held at *Kingston upon Thames*, for the County of *SURRET*,

ON

Thursday, *Friday*, and *Saturday*, the 27th, 28th, and 29th Days of *March*, in the Thirteenth Year of his present Majesty's Reign, and in the Year of our Lord, 1740.

BEFORE the right honourable the Sir *John Willes*, Knt. Lord Chief Justice of his Majesty's Court of *Common Pleas*, and Sir *John Fortescue Aland*, Knt. one of the Justices of his Majesty's Court of *Common Pleas*, and the rest of his Majesty's Justices assigned to deliver the Goal of the Prisoners therein being.

Juryman's Names.

George Marks Foreman,
John Tickner,
Samuel Andrews,
Thomas Goodes,
John Walker,
Daniel Brown,
Francis Collins,
Robert Hall,
John Adams,
John Miller,
John Goddard,
Robert Holliday.

Thomas Middleton was indicted for robbing Mr. *Heathfield*, and Mr. *Robert Smith* on the King's highway, the 28th of *January* last, and taking from Mr. *Robert Smith*, the sum of 5*l* and upwards in money, and from Mr. *John Heathfield* the sum of 9*d*. and upwards in money.

John Heathfield, on the 28th of *January*, as I was riding home, I called at a publick house, and asked what o'clock it was, they told me it was about six; and after baiting some time, I got on horseback; in about a quarter of an hours riding I got up to a gate, and there a tall man came to me, and offered to catch at my bridle, upon which my horse throw'd me; and as I lay on my back, he put his hand in my pockets.

Court. Was it the tall man?

Heath. Yes, he put his hand in my right side pocket, and this man (pointing to the prisoner) came to my left side; and as they were searching me, I desired them not to take away

away a key I had, the prisoner took my wig, and I lost in the whole, I verily believe fourteen pounds; after some struggle they went away, I got up and pursued them, crying out, *there they run!* and at last I prevailed on another Person to go with me.

The evidence appeared and deposed as followeth.

Evidence. On the 28th of *January* last in the evening, Mr. *Heathfield* came up to me, and told me was robbed, and desired me to go in pursuit of the fellows that had robbed him; I told him, I would go with all my heart, and I was not in the least afraid, for I thought one honest man was enough for an hundred rogues at any time.

Robert Smith. I was robbed sometime before Mr. *Heathfield* on the 28th day of *January* last——I was by my self, and lost five pounds and upward; I was robbed by a tall man and a short man; the short man who is the prisoner took the money.

Joseph Manning. After Mr. *Heathfield* was robbed I joined in the pursuit and helped to take the prisoner——Mr. *Heathfield*'s wig was found in his pocket. Guilty, *Death.*

Elizabeth White. Was indicted for privately stealing a piece of broad Lawn value 12s. out of the shop of *George Gilbert* on the 21th of *December* 1739

George Gilbert The prisoner came to my shop on the 21th of *December* last and said she wanted to see some cambricks, I was very willing to serve her and pulled down several bundles, and while I was putting on my spectacles she hid a piece of broad lawn under her petticoats.

Court. Is the lawn here?

(Which was produced.)

Gilbert. Yes, that is mine, my lord, she hid it under her petticoats.

Thomas Dyer. (a Boy) My lord I saw the prisoner come into my master's shop, while my master was serving her, I did not indeed see her take the lawn up, but I saw her draw her hand from her pocket holes.

The prisoner in her defence,

Said that she cheapened the lawn, but not having money enough to pay for it, she was going away, that when he pretended to miss it, it was dropp'd under the counter and that she picked it up and gave it him; she then called several persons to her character, but none of them appeared. Guilty, 10*d.*

Elizabeth Seawel and *Mary Seawel* were indicted for privately stealing out of the house of *Samuel Marshall* the 10th of *November*, 2 gold rings, 1 guinea, a gold chain and lockit, 20 shillings 2 half-moidores, a large silver spoon, six silver tea spoons and other goods, the property of the said *Samuel Marshall.*

Samuel Marshall. On the 10th day of *November* last, the prisoners at the bar the mother and daughter came from market, and as it was very cold they desired me to let them warm themselves; the daughter came in three or four times that morning, which was more than Usual; my dame went out, and presently the mother came in and said, Sir what are you all alone?

And presently after the daughter came in and said lord! I have forgot my beads——my Necklace——and some time after they were gone my dame came home and we discovered that we had lost the things, they were in a little trunk; upon which I violently suspected the prisoners and accordingly had a search warrant; and we look'd a long time but could find nothing, at last we look'd in the coffee pot on the mantle tree, and there we found the key of the trunk, and after that the daughter confess'd that she had hid it in the garden; But the mother said she knew nothing of it.

All the prisoners said in their defence, was the mother persisted in her innocence, and the daughter likewise begg'd that she might suffer only, for that she did it all herself.

Elizabeth Seawel acquitted
Mary Seawel guilty 39*s.*

William Sparks. Was indicted for stealing a large quantity of lead from an Alcove in the garden, of *Thomas Nicholson.*

William Eames. A man came to my shop with a large quantity of lead, on the 25th day of *February* last, but I suppos'd to be stolen, and ask'd him where he had that lead? He replied that he had it of a man that was standing then at the door, but he could give no satisfactory account of himself so I took him before Sir *John* and he committed him.

The

The prisoner in his defence,

Alledged that he bought it at a market price and gave a penny a pound for it; but that he did not know the man by name, but sight. Guilty 10 *d.*

Richard Hall and *William Addison*, were indicted for stealing between 2 and 300 weight of lead, from the premises of *Edward Dawson* Esq; and company; the same being found in the house of *Richard Hall*.

An evidence was called who was servant in the *Foundery*.

Evidence. About one o'clock in the morning the beginning of *December* last, I was awaked by a noise of thieves in the Foundery, upon which I got up and found a roll of lead rolled up, and lay ready to be thrown down in the gutter; I believe the whole was forty feet long——I was told one Mr. *Brand* knew the people, and that they lived in *Baudileg Walk*——accordingly I went to the watchouse, but we were at a loss to know how to get in, for they gave the house a very bad character: At last we thought of a strat gem, for knowing that they sold gin, we agreed that one of the watchmen should go for a quartern, and when the door was open'd that we should all rush in, this succeeded accordingly; and upon our getting in we found a parcell of lead upwards of 200 weight.

Eleanor Brand. I was ironing about 1 o'clock in the morning and by the light of the moon, I saw this man (*Addison*) go by with some lead, I am positive to the man, I can swear to him,

Hall in his defence.

Said, that he was abed at that time, that he had an open shed, and the lead was laid there by somebody, guilty, 4s. 10d.

John Flack, *Elizabeth Durham*, and *Joseph Cooper* (a boy) were indicted for breaking open the *Mary* sloop lying at *Horsley Down*, and stealing from thence 4 beds and blankets, 4 quilts, 5 Bolsters and pillows, a pair of trowlers, a covetlid, and a wooden compass; the property of *Thomas Weston*.

Thomas Weston. My sloop the *Mary* lay at *Horsley Down*, and she was robbed on the fifth of *October* last, the prisoners, *John Flack* and *Joseph Cooper* found means to get on board, and took the things mentioned in the indictment, they conveyed them to *Elizabeth Durham* when stolen, she sold them and received the money.

Evidence. Elizabeth Durham came to my shop on the 6th of *October*, and offered these things to sale, I bought them, and gave her the money.

Flack. And please ye my lord, I made my confession before the justice, and they told me, I should be admitted an evidence. Guilty 4*s.* 10*d.*

George Poole, was indicted for stealing one sheep, in conjunction with *Thomas Norris*, the property of *John Parker*, Gentleman.

John Parker. I have lost several sheep, but by good luck I found out *Norris*, who was concerned in taking this in *August* last.

Thomas Norris. I lodged at *Poole's* house, and on the 31st of *August* last, four of us went out together, and agreed to steal sheep, we went into Mr. *Parker's* grounds, and we took one sheep, *Poole* was one of the gang, and *Blackburne* was another. Guilty 10*d.*

Thomas Gill, and *John Manley*, were indicted for breaking and entering the dwelling house of *Thomas Franks*, and stealing a linnen bag and two shillings in copper

Thomas Franks, I was called out of my bed by a neighbour, and found that my house was broke open, I lost a linnen bag full of farthings of two shillings value.

Court. How do you know these are the men that robbed you?

Franks. I know it by *Gill's* confession.

Court. Do you charge *Manley* with any thing?

Franks. I can't swear any thing against him —— *Gill* guilty 4s. 10d. *Manley* acquitted.

William Bray and *Jane Owen*, were indicted for breaking open the house of *Mary Ogden*, and stealing a camblet gown, a black silk quilted petticoat, one *Holland* apron, and other small things, also thirty one shillings in money.

Mary Sugden. About eight or nine o'clock at night, the twelfth of *January* last, I found my windows broke open, and perceived that I had lost my gown and petticoat, and apron and one and thirty shillings in money; I had a violent suspicion of the prisoners, and so had all my neighbours; *Bray* and *Owen*, and *Sarah Cecil*, lived all in a room together directly opposite to me, I was advised to take them up, and accordingly I took up *Sarah Cecil*, and she confessed the whole affair.

Sarah Cecil, confirmed *Bray* and *Owen's* taking the things, which were produced in Court, and *Sugden* owned them, but *Cecil* said she did not go with them when they took them.

Cecil. After they had commited the robbery, *Bray* came to me, and told me, he wanted to speak with me in the fields, we went out both together, I know nothing of breaking the house, when I came into the fields *Jane Owen* was there, and had these very things, the gown, Petticoat, *&c.* and they desired me to go and pawn them, which I did

Pawnbroker. *Sarah Cecil* brought those things to me, I took them in pawn.

Jane Owen, I know nothing of it, I was out that night in the *Mint*, Guilty Fe'ony.

Elizabeth Hogden, was indicted for picking the pocket of *Henry Owen*, of a linnen bag, and thirteen shillings and three pence half penny in money.

Henry Owen. I am a drawer at the *Three Tuns*, I was going from thence, and I met the prisoner, she chucked me under the chin, and asked me to lye with her, I was going down the vault under the house, and at the vault door she stopped me, and pick'd my pocket of thirteen shillings and three pence half penny.

Prisoner's Defence. An't please you my lord, I was going along, and I met this lad, he offered me sixpence to lye with me, and he did lye with me, my lord, indeed he did.

Court. But if he offered you sixpence, you should not have taken thirteen shillings.

Pris. Indeed my lord, he lay with me. Guilty 10d.

William Argent, was indicted for feloniously stealing out of the milkhouse of *Edward Scott*, several pieces of pork on the 29th day of *December* last.

Edward Scott Jun. My father's house was broke open by this man and he took the best of three hogs——I can swear to the pork.

Edward Holcombe I found the pork in his house, there were five pieces among the straw.

John Wallace, confirm'd the same, guilty, 10d.

Thomas Stevens (An old man of 70 years of age) was indicted for stealing 28 cocks and hens the property of *Thomas Dodd*——The prosecutor was called but did not appear.

Francis Quarte, was indicted for violently assaulting, and dangerously wounding with an intent to rob, *Nathaniel Atfield*, on the second of *August* last.

Nathaniel Atfield. I was coming home from *Farnham* market, on the second of *August* last, a man met me, that's the man——he cried *Mooney Mooney*——and he clap'd a pistol to my breast——I saw the pistol, and in struggling broke the lock.

Court When he clapp'd the pistol to your breast and cried *Mooney Mooney* as you call it do you apprehend that he demanded your money!

Atfield I saw a pistol——I was cut with a hanger——

Court. Is that the man?

Atfield. Indeed my lord I can't say——a man's life my lord is precious——I can't swear he is the man——Acquitted.

Henry Walker. was indicted for stealing two game cocks, the property of *John Short*.

John Short. I lost two game cocks, they were my own, this man found them.

William Bacon. I was coming up *Blackman street* about six o'clock in the morning; I met the prisoner with the game cocks, and I thought they were none of his own so I stopped him——He say'd they were Mr. *Short's*, I took him to Mr. *Short*, he owned the cocks, and before the justice he swore to them. Guilty 10d.

William Clever, was indicted for ſtealing two linnen ſhifts and one linnen ſhirt, the goods of *Elizabeth Clingbell*.

Edward Thornton. *Elizabeth Clingbell* had hung the linnen upon a line to dry, I ſaw the Priſoner take them off. Guilty, 10d.

Margaret Huler, alias *Rudgley* was indicted for ſtealing a piece of printed linnen from the ſtall of *Chriſtopher Green*.

Chriſtopher Green. She took it from my ſtall, I did not ſee her take it.

William Hall. I was ſtanding oppoſite to Mr. *Green*'s ſhop, and I ſaw her take it.

Chriſtopher Green. I never knew any harm of her till this affair. I believe ſhe is crazy. Acquitted.

Patrick Murphy, was indicted for ſtealing out of the warehouſe of Mr. *Alexander Hay*, a deal box full of fine thread of great value.

William Hall. I landed the box at the Wharf, it was marked, *I. S. S.* and I put it into the warehouſe, the Priſoner was employed as a Porter. He took it out of the warehouſe.

Priſoner. My lord, pleaſe to hear me, my lord, —— my lord, I am as innocent as the man in the moon.

Hall. He brought the box to my houſe, and deſired to leave it there that Night, which he did, he came the next morning and demanded the box, I ſuſpected it was ſtolen, and refuſed giving it him, —— he ſay'd the box was not his own, but he would get a note to me to deliver it to him.—— He went and brought a note ſometime after, but I believe it was his own writing.

——*Newton*. The priſoner being detected in carrying away theſe things I was one that aſſiſted in taking him ——the box was at the Alehouſe where he had left it.

Court. Had he broke open the box?

Newton. No, it was not broke open till he was brought before the Juſtice.

Priſoner. My lord, upon my ſoul, my lord, I did not know what was in the box——that man has a ſpite againſt me, he wanted to get me out of place——my lord,——ſtay my lord, He ſwore by G——d he would hang my whole country if he could——I was born thirteen miles from *Cork*—guilty *Death*.

John Jenkins, alias *Foreſt*, and *Elizabeth Cane* were indicted, *John Jenkins*, for breaking the Houſe of *Thomas Merit*, and ſtealing from thence four pieces of Long Ells; and *Elizabeth Cane*, for receiving the ſame knowing them to be ſtolen.

Thomas Merit. I was robbed of four pieces of Long Ells, my Houſe was broke open, and ſome iron barrs were forced out, I did not know that the priſoner was guilty of it, 'till *Gulliford* mad an information. —— *Wildey*, (a Servant to Mr. *Merit*) confirmed his evidence in regardto the breaking of the houſe

John Glew Gulliford. (admitted an evidence) my lord, the priſoner and I met in *Rag Fair* together, and we agreed to go robbing together, we went down to the water ſide, where we got into a ſculler and rowed thro' Bridge, and when we came to Mr. *Merit's*, *Jenkins* took the Scull, and wrenched out one of the iron barrs, and afterwards one, or two more, which fell inwards. I was with him all the while.

Priſoner. Do you know me?

Gulliford. Know you! why have not we been thieves together.—— After he had broke open the warehouſe, he went in, and took out the Long Ells, he gave them to me, and we put them in the boat, we carried them to one *Johnſon*, he would not take them; from whence we carried them to one *Powell's* in *Rag Fair*, I gave one piece to *Cane* which ſhe took up ſtairs.

Cane. I was only ſervant in the Houſe, I carried them up to my miſtreſs who is gone off.—— Several Witneſſes appeared, who ſaid *Cane* was but a ſervant in the Houſe, and it appeared that *Jenkins* had been tried at the *Old Baily*, by the name of *Foreſt*. *Jenkins* guilty *Death*, *Cane* acquitted.

James Kerr, was indicted for ſtealing a flower'd *Cotton Gown*, from *Sarah Maria Mackay*, the Property of *Bernard Mackay*.

Sarah Mackay. The things were mine, the priſoner ſtole them,

He made his confeſſion before Juſtice *Shard*.

——*Shard*, Eſq; was in Court and confirmed it. Guilty, 10d.

Thomas Miller, was indicted for that he not having God before his eyes, but being moved by the Inſtigation of the Devil, with malice prepenſe, and aforethought; with a gun or piſtol, on the 21ſt day of *September* in the thirteenth year of his Majeſty's Reign, did felonioufly make an aſſault, and him the ſaid *Edmund Drewitt*, did kill

and

and murder, by giving him three wounds in the breaſt of which he inſtantly died.

The Council for the King, having opened the cauſe, ſet forth the circumſtances thereof, viz. that *Edmund Drewit* (the deceaſed) and his Brother *John Drewit*, were travelling from *Byfleet* towards *London*, that on the 21ſt of September laſt, between the hours of 11 and 12 in the Evening, as the deceaſed, his brother, and two others, were coming near *Addleſton-Common*, the deceaſed and his brother were ſome little way before the two others, that were in company; that the priſoner, and another man, as yet unknown, were lying in wait under a hedge, and the deceaſed, and his brother, asking, who was there? without any other Provocation, the Priſoner, and his Companion immediately fired a muſket, gun, or Piſtol; which wounded the deceaſed. That the Brother of the deceaſed, *John Drewit*, purſued, and took the priſoner, who fired again at *John Drewit*, in the purſuit, but luckily miſs'd him, that the Companions of the deceaſed and his brother, coming up in the mean Time, informed *John Drewit* that they believed his brother was dying, or dead; upon which, he the ſaid *John Drewit* (having firſt ſecured the priſoner) rode back and found his brother *Edmund Drewit* expir'd.

John Drewit. I and my brother were coming from *Byfleet* the priſoner and another man were upon the road, they were on horſeback and under an hedge, we came up to them about eleven o'clock I aſked who they were! they anſwered they would not tell me——Mr. *Greatrick*, and Mr. *Merchand* were ſome little way behind us——the Priſoner told us if we advanc'd nearer, they would fire upon us; I did not imagine that he would, but my brother aſked who they were! and without returning any anſwer they fired at him——I do not know whether it was a Piſtol or a gun——but one fire was made, and another, immediately; my brother and I were together, and Mr. *Merchand* and Mr. *Greatick* was ſomeway behind upon hearing the gun, I purſued the Priſoner, he rode a great way and quitting his horſe, endeavoured to hide himſelf: I followed him and found him in a ditch, but as he had fired at my brother I was apprehenſive that he would hurt me, which he did, for he fired at me again, when I purſued him; I cannot ſay whether it was a piſtol or blunderbuſs but it was with ſome fire arms, I did not know but he might have ſome other arms about him, and therefore ſeized him in the ſtrongeſt manner, I was able: He made a ſtout reſiſtance, and I at laſt got the better of him, when *Greatrick* and *Merchand*, came up and told me, my brother was dead——I ty'd the Priſoner and laid him on his back.

Court. When your brother was dead, what do you think, gave the wounds?

John Drewit. I believe it was done by Bullets.

The council for the Priſoner aſked the queſtion, whether the deceaſed had no goods about him, and if he had, whether they were unaccuſtomed goods or not?

William Drewitt. No, he had not any; neither did they aſſault him.

John Greatrick. I was a little way behind *Drewit*, but when I overtook them, *Edmund Drewit* was wounded and the other (*John Drewit*) was gone in purſuit of the Priſoner; I heard two reports, one immediately after another.

Court. Was it a gun or piſto'!

William Greatrick. I believe it was a gun, there were two people, one of them rode away, the priſoner (*Miller*) was purſued by *John Drewit*, when I came up, *Edmund Drewit* was dying.—— I rode after *John Drewit*, and when I overtook him, he was beating *Miller*. I told *John Drewit* that his brother was dead; and he deſir'd me to take care of *Miller* while he went to ſee after his brother, I told him that I would take care of *Miller*.

Court. Did you ſee the wound of *Edmund Miller*?

Greatrick. No, my Lord, I did not.

Court. Did the deceaſed give any Provocation to the priſoner?

Greatrick. No, my Lord, if there had, I was ſo near that I believe I ſhould have heard it; *John Drewit* took the deceaſed upon his horſe, and carried him to *Ripley*.

The priſoner was allowed Council by the Court, who croſs examined the Evidence as followeth.

Council. I would aſk you Sir, whether you and your brother had not unaccuſtomed goods about you?

John Drewit. I had not, nor my brother that I know of.

Council. Pray, did you ſee, who it was that ſhot off the piece?

John Drewit. I cannot ſay, that I did, but we were ſtopped by two men, and I aſked them who

who they were? and without saying any more they fired upon us and killed my brother.

Council. Will you take upon you to say, that the Prisoner is one of the men?

John Drewit. Yes, I believe he is.

William Martin. I was in company with *Edmund Drewit* the deceased and *John Drewit* the time this affair happened; we came from *Byfleet*. *Edmund Drewit* and his Brother were a little way before us; as they were riding on, they met with some People whom they did not like, the Prisoner, and another were on horseback under an hedge; when *John Drewit* and his Brother came upon them they asked, who was there? It is dark, and what do you stand there for?

Court. There was another Person, do you know who that other person was?

William Martin. No, my Lord, I do not, but immediately I heard the reports of two guns one after another, and *John Drewit* pursued the Prisoner——I heard the report of another pistol, or gun.

Court. When this was over what did you do?

William Martin. We went with *John Drewit*, to *Ripley* and from thence I went on my Journey to *London*.

Council. Were there no blows given, or did not the Deceased insult the Prisoner.

William Martin. No, and if any such thing had happened, I must have heard it, I was so near.

The Prisoner in his defence alledged as followeth, that the deceased was a Smuggler, and he the Prisoner was employed by the officers of Excise, and called the following Evidence.

John James. The prisoner and I were informed that some Smugglers were upon the road, and we went out on the search, several people went with us and we divided into two parties, it was on the 21st of *September* and about twelve o'clock at night, they (the *Drewits*) came up to us and say'd to the Prisoner this is one of the spies, some blows passed on both sides——I had one that almost stunned me, upon which I rode off.

Council. Was you present at the time when the gun or pistol was discharg'd.

Council for the King. You are going to lead the man into another error, the Indictment sets forth that *Miller* was concerned with another person unknown, and you are going to make this the man, we do not desire any such thing.

John James. I rode off at first, when the pistol fired, I was half a quarter of a Mile off, I heard the report, nay, I heard the report of two, I rode away to *Chertsey*, and I told the Excise officer there, that I believed they had killed *Miller*.

Council. Pray, how came you to be there?

John James. There was information given of goods that were to be run that night, and we were set upon the watch.

——— *Stapleton.* (a surgeon) I attended Mr. *Miller* on the 25th day of september last, he was very sick, very much bruised and wounded, he had several small wounds about him.

Elizabeth Wells, and *Elizabeth Adams*, were called to the prisoner's character. They depoied that,

They had known him for some years, that he was never quarrelsome, Messr. *Wakefield*, *Blackbourne*, and *Glastenbury*, said the same. Guilty *Murder*.

James Matthews, was indicted for returning from transportation before the time was expir'd the record was produced, and at his own request, the Court was so mereiful as to order him to be transported again.

John Hollis, was indicted for stealing three handkerchiefs, four Cambrick Stocks, four Women's caps, four mens caps, the property of *Elizabeth Thorowgood*: He was a second time indicted for stealing two holland mobs, the property of Mrs. *Pettifer*.

Elizabeth Thorowgood. I lost these things, and they were found upon the Prisoner; this is the man that took him.

An Evidence. I saw this Lad steal those things off an furze bush, it was on the 20th day of this month, I ask'd him what he did with them, he said they were his own, but Mrs. *Pettifer* came out and said they were her things, and Mrs. *Thorowgood's*; upon which I brought him back, and we secured him, and had him before Sir *John Lade*, and there he confessed it.

Mrs *Pettifer* confirmed the former evidence.

The prisoner called his master, and his uncle to his character, who gave him the character of being a very sober Lad. Guilty 4s. 10d.

Patrick Kelly, was indicted for endeavouring to seduce and entice *Cornelius Whelin*, and *Patrick Lewis*, to enlist them to go as soldiers into the *French* king's service.

Cornelius Whelin. I have been acquainted with the prisoner three years or thereabouts, on the 16th or 17th of November last, as we were alone

together, says he Mr *Whelin* will you go to *France* and ist for a soldier? You will live much better there than you can here; but says I, what shall I do with my wife? O, said he, she may go with you, I will get her letters of recommendation, and she shall wash for all the officers; he gave me four shillings at that time, and we had three or four quarts of Purl, and on the monday following he gave me one shilling more.

Court. Do you apprehend that he gave you that money as enlisting money?

Whelin. Yes, he gave it me to enlist me, and desired to know if I could perswade any other persons to go along with me, and upon that I recommended *Lewis* to him, he would have had *Lewis* gone away that very night, and he told us, the ship lay at *Pickle Herring Stairs*. But as he had told us we were to have a good dinner the next day, *Lewis* chose to stay till then, and his wanting us to go away so suddenly, gave us suspicion that his intentions were not honest; upon which we discovered him, and he was apprehended I was present when he was taken up, and he endeavoured to escape; there was a letter found in his pocket, but I do not know the contents of it, for I did not read it ——— He lodged at my house, and told me that he had carried two men some time ago, and three men but a week before.

Patrick Lewis. I was brought into the prisoner's company by *Cornelius Whelin*. He persuaded me very much to enlist in the service of the French King, and said that he himself was a serjeant in that service, that they lived much better than the poor beggarly English soldiers who had but a groat a day, but we should have six pence a day, at last I consented and he was for having me set out that very night; but I chose to stay till next day, when he had promised to provide a good dinner for us, accordingly we went at the time appointed, but there was no dinner nor any thing like it; I had no money given me, but he made me a great many promises; I went with him to the ship to Captain *Bruce*, but while he was there, I acquainted Captain *Carr* with the affair and he apprehended him, there was a letter found in his pocket, the purport of which was that he was afraid he was discover'd, but he had got two men and begged captain *Bruce* to make what haste away with us he could;

Prisoner's Defence.

Prisoner. My Lord I am innocent of the fact, I am an Irishman but indeed I am innocent, I would ask *Whelin* a question or two.

Court. Ask him what you will.

Prisoner. Did you never see me before?

Whelin. Yes I have seen you in *France*, you were a Serjeant in a regiment there, you wore the regimental waistcoat, which is green and the breeches which are red, here in *England*.

Prisoner. What do you say, that I wore regimental cloaths here in *England*?

Whelin. No, not the coat, only the waistcoat and breeches.

Prisoner. You have always been my enemy, this is done out of spite; you arrested me once, when I owed you a little money, because I could not pay it just then, when you asked me ——— as for *Lewis* an't please your lordship I know nothing of him ——— and the four shillings *Whelin* says I gave him to enlist him, was no such thing, I gave it him as part of money which I ow'd him for lodging.

Rowland Savage. I was by when the prisoner gave Mr. *Whelin* the four shillings he demanded it as a debt, and nothing else upon my word my lord.

John Newland spoke much to the same effect, with this addition, that he had heard *Whelin* say that he would be revenged of the Prisoner, and if it was in his power he would hang him and all his country?

Court. What country is he of then?

Newland. Irish, my lord, we are all Irish.

Rose Brudy. He is a very honest man, my lord, my husband lodged with him.

Court. Where is your husband?

Brudy. He is in the country.

Patrick Owen. Indeed now my lord ———

Court. Are you Irish too?

Patrick Owen. Yes, my lord, I am, I am not ashamed of my country ——— I have known the Prisoner a long while, he is a very honest man.

Guilty Felony.

William Hudson, was indicted for breaking open the house of *Richard Shepard*, Esq; and stealing thereout a Shagreen Case of silver handled knives and forks and spoons.

James Allen, (admitted an evidence) on the 19th of *December* last, the Prisoner and I met together in *Rag-Fair*, and we agreed to go over into the Borough and rob together, accordingly we went, and going by 'Squire *Shepard*'s we looked at the window and saw no body in the room, upon which the Prisoner lifted up the sash, and then got

got in and took away the Shagreen Case he gave it me out of window, and we went off.

——— *Mistant.* I am servant to Mr. *Shepard*, we used these knives and forks at dinner, and after that I went on an Errand, and the Maids forgot to shut down the Sash, and the plate was left about the room, this shagreen case stood in the window, it was there about four o'Clock, and we miss'd it about seven. Guilty *Felony*, acquitted of the *Burglary*.

Jonas Marshal, was indicted for privately stealing from *John Kemp*, a Parcel of coney wooll, and goats wooll, the property of the said *John Kemp*.

John Kemp. The prisoner was my servant, he has stole stuff from me several times; he used to carry it to the lodgings of a Woman that he kept company with.

Thomas Edwards. I went to his lodging, I found some wooll there.

Court. Can you swear that he stole it, or that it was *Kemp*'s wooll.

Edwards. No, my lord.

——— *Perry*. I went to search the prisoner's chamber for Mr. *Kemp*, I saw no wooll. Acquitted.

Sarah Smith, was indicted for feloniously pick the pocket of *Thomas Hutchins*, of a silver watch and chain, the property of *Braman Cook*, value 45 s.

Thomas Hutchins. I met the prisoner, and she said it was a very cold wet night, and desired I would give her a dram, I replied where can we get one, I'll give you a dram with all my Heart, but where shall we get one? She said I might go to her lodgings and have one, it was in an alley in *Barnaby street*, so I sat down, it was very cold indeed, and she went for a quartern, when she came back she sat down in my lap, and some how or other, I cannot tell how, she got away my watch; it was three weeks before I could find out where she had pawned it. Guilty 10 d.

Thomas Stevens, (an old man) was indicted for stealing two Hens, the property of *Thomas Fenner*.

Thomas Fenner. I have lost my fowls often, and never could tell who took them, tho' we all suspected the prisoner. —— These two hens were found upon him.

Thomas Dod. Mrs. *Fenner* acquainted me that she had lost two hens, and I went and searched the old man, I found her two hens and some fowls of my own.

Prisoner. I bought them.

Court. Can you prove of whom you bought them?

Prisoner. My witnesses are not here.

The Prisoner call'd two persons to his character who gave him a good one. Guilty, 10 d.

John Dove, and ——— *Ashfield* were indicted for stealing one sheep to which they both pleaded Guilty.

John Blackbourne, was indicted for stealing 20 ducks, the property of *Edward Lambert*.

Edward Lambert. While I was drinking I lost my ducks, I cannot say who took them, this man gave information.

Thomas Norris. We were coming from work, about six o'clock in the evening and we saw Mr. *Lambert* driving the ducks, *John Blackbourne*, *Martin Strong*, and I agreed to steal them.

The prisoner on his defence said, he was not there, neither did he know any thing of the matter. Guilty 4 s. 10 d.

William Webster, was indicted for breaking open the house of *Sylvester Ashe*, and stealing thereout, 1 cloth Coat, 2 pair of cloth Breeches, and one pair of leather Breeches.

Sylvester Ashe, I lost those things but I cannot say who took them for I was not at home, I know nothing of it.

Hester Shepherd. He broke open the casement, he must, I am sure, for the door was locked, I did not see him do it——but I went into the room, and caught him there ——— now what could he do in the room my lord? Guilty 10 d.

William Prats, was indicted, for that he not having the fear of god before his eyes but being moved by the instigation of the devil, with malice prepense and aforethought, *Nicholas Rawlings*, did beat and abuse, and him the said *Nicholas Rawlings* did hit with a broom staff on his left side, also on the face with his Fist, on board a ship in the Parish of *Rotherhith*, by which blows he soon after died.

William Cozens. The deceased and the prisoner were coal porters, this unlucky Accident happened on board the ship; the Prisoner desir'd

Nicholas

Nicholas Rawlings to go down into the hold and fetch the coals into the hatch way, which *Rawlings* refused to do, and the prisoner immediately flung the bushel basket at him, *Rawlings* flung it back at the prisoner again; upon which the prisoner snatch'd up a broomstick, and struck *Rawlings* on the left side, between the ribs and the loins; *Rawlings* took up the basket and flung it at the prisoner once more, and then the prisoner flung the broomstick at him, and it fell over board.

Court. Who made the first assault?

Cozens. The prisoner flung the Basket first at the deceased.

Court. Was there any provocation?

Cozens. *Rawlings* called the prisoner long shank'd son of a b——h, the prisoner gave him a slap on the face and made his nose bleed; after the blow of the broomstick, *Rawlings* reeled backwards, and endeavoured to make water, but could not, and being in great agony, he fell down on his knees and cried out *Lord! Lord! What must I do?* He died in about fifteen minutes time after the blow.

Court. Do you imagine the prisoner bore any malice to the deceased?

Cozens. No, not in the least, it was an hasty quarrel, and meerly accidental.

Court. Prisoner, what have you to say to this.

Prisoner. My lord, I had no malice against him, I had no design to do him any harm: I went a mile before, to fetch him to work.

The Master of the ship appeared, and gave the prisoner the character of a peaceable, quiet, working man. *Manslaughter.*

Edward Toes, was indicted for stealing 100 weight of Iron from *Benjamin Steel*. Guilty, 4 s. 10 d.

The Trials being ended, the Court proceeded to give Sentence as follows.

DEATH.

Thomas Miller, *Patrick Murphey*, *Thomas Middleton*, and *John Jenkins* alias *Forrest*.

To be Transported.

William Addison, *Joseph Cooper*, *Elizabeth Durham*, ——*Dove*, *John Flack*, *Thomas Gill*, ——*Hollis*, *William Hudson*, *James Kerr*, *Jane Owen*, *Mary Saxwell*, *William Sparks*, *Edward Toes*, *Elizabeth White*, *Patrick Kelly*, and *James Matthews*.

To be Burnt in the Hand.

William Prate, and *George Poole*.

To be whipped.

William Argent, *Elizabeth Hogden*, *Margaret Huler*, and *Sarah Smith*.

God save the King.